IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 224/2006
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Municipal Council Pali through Commissioner.

Vs.

State of Rajasthan & Others.

Date of Order : 14/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. T.S.Champawat for the petitioner
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 08.06.2005 passed by Sessions Judge, Pali (for short 'the revisional court' hereinafter) in Criminal Revision No. 02/2002 whereby the revisional court dismissed the revision petition filed by the petitioner against the order dated 16.7.2003 passed by Chief Judicial Magistrate, Pali (for short 'the trial court' hereinafter) whereby the trial court accepted the negative final report filed by the police.

I have heard learned counsel for the petitioner and public prosecutor. Perused the orders impugned passed by the trial court as well as by the revisional court.

It is contended by the learned counsel for the petitioner that the order passed by the trial court accepting the negative final report is not a speaking order.

On perusal of the order of the revisional court which runs into 4 pages, it appears that the revisional court has considered every piece of material made available before the trial court by the investigating agency.

The petitioner Municipal Council claims the land in question to be its own, whereas the land in question was registered in the name of non-petitioners No. 3 to 6 and non-petitioner No.2 is their general power of attorney holder. In exercise of the power conferred upon him by non-petitioners No. 3 to 6 who are said to be recorded Khatedars of the land in question, the non-petitioner No.2 sold the land for a consideration to non-petitioner No.7 who in turn applied for conversion of the land before the State Government and filed the Map before the Town Planner. The Town Planner approved the Map and thereafter the Land Conversion Officer of the State

Government converted the land. The title of the land in question prima-facie found to be in favour of the non-petitioners No. 3 to 6 by the revisional court.

On perusal of the order of the revisional court, it appears that the revisional court while taking care of every piece of evidence and material placed before it, came to the conclusion that the acceptance of negative final report by the trial court cannot be said to be contrary to the record or law.

In my view, it cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of the Court. More so, in the instant case, before the trial court, the complainant was served with a notice and despite the service of notice, the complainant failed to appear before the trial court and to protest the acceptance of negative final report. This being the position, the order impugned calls for no interference.

Consequently, the criminal misc. petition has no merit and is dismissed accordingly.

(H.R.PANWAR),J.

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